FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 8861 OF 2005

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.
	Shri S.k.Chinchlikar for the petitioner Shri N.V.Bandiwadekar for Respdt.
	CORAM; V.G.PALSHIKAR & V.R.KINGAONKAR, JJ.
	DTAED: 14TH MARCH,2006.
	P.C.
	1. By this petition, the petitioner is challenged the order passed by the Maharashtra Administrative Tribunal, allowing the Original Application of the present respondent. The contention raised is that the order passed by the Zonal Superintending Engineer is an order made by the appointing authority of the respondent and therefore the Tribunal erred in allowing the Original Application. The tribunal has given cogent reasons for coming

to this conclusion which has observed that Zonal Superintending Engineer is the authority who can promote the original applicant, to a concerned post. Therefore the Zonal Superintending Engineer to which post a person is posted, cannot be treated as an appointing authority of the original applicant. In our opinion, there is no error of law committed by the Tribunal in coming to this conclusion. Merely because powers to hold the disciplinary enquiry has entrusted in the Zonal Superintending Engineer by a Government Resolution, it cannot be said that thereby he becomes the appointing authority as contemplated by Article 311 of the Constitution. Therefore there is no merit in this petition. Hence petition is rejected.

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